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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-9889

EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 02/11/2004

Assignee: Hitachi

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,149

Applicant(s)

YOSHIMURA ET AL.

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Specification Objection

The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 9 recite “means for controlling operation indicated by said access request and respectively applied to said plurality of dispersed data constituting the integrated data by using a relationship information between said dispersed-data access privilege and said integrated-data access privilege.” The scope of the present invention is difficult to ascertain because Applicant claims the plurality of dispersed data constitutes the integrated data. It is

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unclear what comprises dispersed-data access privilege and what comprises the integrated-data access privilege because both accesses privileges access the dispersed data.

Furthermore, Applicant states the following in the specification:

Summary of Invention Paragraph:

[0009] In order to accomplish the above object, the present invention is constituted as below. Namely, according to the present invention, the access to the integrated data, which is access operation for accessing to the dispersed data as the actual situation, is controlled based on an access privilege to dispersed data containing real tables and an access privilege to integrated data containing virtual tables constituted by the real tables.

The above excerpt from the specification does not add any clarification of what comprises integrated data and what comprises dispersed data. In particular, per the above, “access privilege to integrated data containing virtual tables constituted by the real tables” is difficult to understand. Therefore, it is unclear what comprises dispersed-data access privilege and what comprises the integrated-data access privilege.

For purposes of this examination, dispersed data access privilege will be interpreted to mean each network resource or application is provided with a separate access control list, refer admitted prior art per Win column 1 line 66 through column 2, line 10. Furthermore, integrated data access privilege will be interpreted to mean a method of controlling access to one or more Web resources stored on a Web server per Win column 2, lines 41-45.

Claims 2-8 and 10-17 are rejected for being dependent from a rejected base claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,453,353 issued to Win et al (hereafter Win).

Claim 1:

Win discloses:

- a multi-database in which a plurality of database apparatuses each store data [Protected Resource 208 per Fig 2],
- a multi-database processing apparatus for performing an integration processing to the data stored in said plurality of database apparatuses [Access Server 106 per Fig 1 and col 6 lines 40-54], and
- a user processing apparatus for receiving the integration-processed data from said multi-database processing apparatus are connected mutually through a network [Browser 100 per Fig 1 and col 5, lines 1-12],

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- wherein each of said plurality of database apparatuses includes means for storing dispersed data [Protected Resource per Fig 2]
- means for receiving a plurality of the dispersed data from said plurality of database apparatuses based on a request for integrating data from said user processing apparatus [Browser 100 per Fig 1 and col 5, lines 1-12];
- means for integrating said plurality of received dispersed data to generate integrated data dynamically [single secure log-in to Web resources per col 5, line 66 thru col 6, line 9];
- means for storing an integrated-data access privilege, said integrated-data access privilege being an access privilege to the integrated data, and correlating integrated-data identification information for identifying a second user or said user processing apparatus permitted to access the integrated data and an integrated-data operating right indicative of operation contents by which the use second user or user processing apparatus indicated by said integrated-data identification information is permitted to operate the integrated data [Registry Server 108 per Fig 1 and col 6, lines 19-25];
- means for receiving an access request, said access request being an access request for operating the integrated data from said user processing apparatus, and containing user identification information for identifying a second user of the user processing apparatus concerned or the user processing apparatus concerned [Access Server 106 per Fig 1 and col 6, lines 41-54];

Win fails to disclose:

- means for storing a dispersed-data access privilege said dispersed-data access privilege being an access privilege to the dispersed data,

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- correlating dispersed-data identification information for identifying a first user permitted to access the dispersed data and a dispersed-data operating right indicative of operation contents by which the first user indicated by said dispersed-data identification information is permitted to operate the dispersed data,
- means for controlling operation indicated by said access request and respectively applied to said plurality of dispersed data constituting the integrated data by using a relationship information between said dispersed-data access privilege and said integrated-data access privilege, wherein the dispersed-data access privilege and the integrated-data access privilege are decided independently from each other.

Win discloses as admitted prior art in Background of the Invention the following:

- means for storing a dispersed-data access privilege said dispersed-data access privilege being an access privilege to the dispersed data, [separate access control list per col 2, line 1],
- correlating dispersed-data identification information for identifying a first user permitted to access the dispersed data and a dispersed-data operating right indicative of operation contents by which the first user indicated by said dispersed-data identification information is permitted to operate the dispersed data, [user is presented with a listing of available applications per col 2, lines 1-10]
- means for controlling operation indicated by said access request and respectively applied to said plurality of dispersed data constituting the integrated data by using a relationship information between said dispersed-data access privilege and said integrated-data access privilege, wherein the dispersed-data access privilege and the integrated-data access

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privilege are decided independently from each other [providing selective access to network resources per col 1, lines 38-44]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Win to the following as disclosed as admitted prior art by Win in

Background of the Invention:

- means for storing a dispersed-data access privilege said dispersed-data access privilege being an access privilege to the dispersed data,
- correlating dispersed-data identification information for identifying a first user permitted to access the dispersed data and a dispersed-data operating right indicative of operation contents by which the first user indicated by said dispersed-data identification information is permitted to operate the dispersed data,
- means for controlling operation indicated by said access request and respectively applied to said plurality of dispersed data constituting the integrated data by using a relationship information between said dispersed-data access privilege and said integrated-data access privilege, wherein the dispersed-data access privilege and the integrated-data access privilege are decided independently from each other.

The ordinarily skilled artisan would have been motivated to modify Win per the above for the purpose of providing a means to reduce access time by allowing a user to directly access a resource without having to access the resource via a Web server.

Claims 2 and 10:

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Win discloses wherein the operation contents indicated by said dispersed-data operating rights includes at least one of insert, select, change, and copy of the dispersed data [col 5, lines 12-21].

Claims 3 and 11:

Win discloses wherein the change of the dispersed data includes at least one of update, substitute, and delete of the dispersed data and addition of data to the dispersed data [col 5, lines 12-21].

Claims 4 and 12:

Win discloses wherein the operation contents indicated by said integrated-data operating rights includes at least one of insert, select, change, and copy of the integrated data [col 5, lines 21-65].

Claims 5 and 13:

Win discloses wherein the change of the integrated data includes at least one of update, substitute, and delete of the integrated data and addition of data to the integrated data [col 5, lines 21-65].

Claims 6, 14, 15 and 17:

Win discloses wherein when operation indicated by said access request is operation applied to dispersed data which the user or user processing apparatus identified by said user identification information is inhibited from operating, said controlling means limits the operation indicated by said access request [col 8, lines 57-63].

Claim 7 and 16:

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Win discloses wherein when the operation indicated by said access request is operation which the user or user processing apparatus identified by said user identification information is either inhibited from or permitted for operating by said integrated-data access privileges, said controlling means limits the operation indicated by said access request [col 8, lines 57-63].

Claim 8:

Win discloses wherein the limit operation by said controlling means is to inhibit the operation; and said controlling means controls permission/inhibition of the operation indicated by said access requests and respectively applied to said plurality of dispersed data constituting the integrated data, by using said dispersed-data access privilege and said integrated-data access privilege [col 2, lines 41-56].

Claim 9:

Win discloses multi-database processing system connected to a plurality of database apparatuses each storing data, and a plurality of user apparatuses, and for integrating the data stored in said plurality of database apparatuses, comprising:

- means for receiving a plurality of dispersed data [Protected Server 104 per Fig 1 and col 4, lines 37-49] from said plurality of database apparatuses based on a request for integrating data from said user processing apparatus [Browser 100 per Fig 1 and col 5, lines 1-12];
- means for performing an integration processing to a plurality of received dispersed data to generate integrated data dynamically [single secure log-in to web resources per col 5, line 66 through col 6, line 9];

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- means for storing an integrated-data access privilege, said integrated-data access privilege making the connection with integrated-data identification information for identifying a second user processing apparatus permitted to access the integrated data and an integrated-data operating right indicative of operation contents by which the user second user processing apparatus indicated by said integrated-data identification information is permitted to operate the integrated data [Registry Server 108 per Fig 1 and col 6, lines 19-25];
- means for receiving an access request from said user processing apparatus, said access request being an access request for operating said integrated data, and containing user identification information for identifying a second user of the user processing apparatus concerned or the user processing apparatus concerned [Access Server 106 per Fig 1 and col 6, lines 41-54];

Win fails to disclose:

- means for receiving a dispersed-data access privilege from each of said plurality of database apparatuses, said dispersed-data access privilege being an access privilege to the dispersed data, and correlating dispersed-data identification information for identifying a first user permitted to access the dispersed data and a dispersed-data operating right indicative of operation contents by which the user first user indicated by said dispersed-data identification information is permitted to operate the dispersed data;
- means for controlling operation indicated by said access request and respectively applied to said plurality of dispersed data constituting the integrated data, by using a relationship information between said dispersed-data access privilege and said integrated-data access

privilege, wherein the dispersed-data access privilege and the integrated-data access privilege are handled independently from each other.

Win discloses as admitted prior art in Background of the Invention the following:

- means for receiving a dispersed-data access privilege from each of said plurality of database apparatuses, said dispersed-data access privilege being an access privilege to the dispersed data, and correlating dispersed-data identification information for identifying a first user permitted to access the dispersed data and a dispersed-data operating right indicative of operation contents by which the user first user indicated by said dispersed-data identification information is permitted to operate the dispersed data [separate access control list per col 2, line 1 and user is presented with a listing of available applications per col 2, lines 1-10].
- means for controlling operation indicated by said access request and respectively applied to said plurality of dispersed data constituting the integrated data, by using a relationship information between said dispersed-data access privilege and said integrated-data access privilege, wherein the dispersed-data access privilege and the integrated-data access privilege are handled independently from each other [providing selective access to network resources per col 1, lines 38-44].

It would have been obvious to one of ordinary skill in the at the time the invention was made to modify Win to include the following as taught by Win as admitted prior art in Background of the Invention:

- means for receiving a dispersed-data access privilege from each of said plurality of database apparatuses, said dispersed-data access privilege being an access privilege to the

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dispersed data, and correlating dispersed-data identification information for identifying a first user permitted to access the dispersed data and a dispersed-data operating right indicative of operation contents by which the user first user indicated by said dispersed-data identification information is permitted to operate the dispersed data;

- means for controlling operation indicated by said access request and respectively applied to said plurality of dispersed data constituting the integrated data, by using a relationship information between said dispersed-data access privilege and said integrated-data access privilege, wherein the dispersed-data access privilege and the integrated-data access privilege are handled independently from each other.

The ordinarily skilled artisan would have been motivated to modify Win per the above for the purpose of providing a means to reduce access time by allowing a user to directly access a resource without having to access the resource via a Web server.

Response to Arguments

Applicant's arguments filed 12/1/03, have been fully considered but they are not persuasive.

First Applicant Argument:

Applicant on pages 10 and 11 repeats the limitations of claim 1 and then states the cited prior does not disclose the limitations.

First Examiner Response:

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Examiner is not persuaded. Examiner is perplexed as Win's disclosure relevant to claim 1 is, element by element, clearly identified element in supra office action. Furthermore, examiner notes Rule 37 CFR 1.111(b) requires Applicant to "distinctly and specifically point out errors" in the examiner's action. Also, arguments or conclusions of Applicant cannot take the place of evidence. *In re Cole*, 51 CCPA 919, 326F.2d 769, 140 USPQ 230 (1964).

Second Applicant Argument:

Applicant states on page 11 "Win et al discloses a user name used in determining whether a permit should be given or not is equal to a user name used in determining whether a resource based on the permit should be restricted. More specifically, with respect to each user or each user name, a correspondence is set between permission or no permission of access to the system (authentication) and a resource available when permitted (or authentic). Such information is stored on a Registry Repository 110. In short, the authentication and the resource are correlated with each other for each user name. If the user name is specified, the authentication and the available resource as determined. This is not correlating dispersed-data identification information for identifying a first user permitted to access the dispersed data and a dispersed data operating right indicative of operation contents by which the first user indicated by said dispersed data identification information is permitted to operate the dispersed data, or means for storing an integrated data access privilege, said integrated data access privilege being an access privilege to the integrated data, and correlating integrated data identification information for identifying a second user or said user processing apparatus permitted to access the integrated data and an integrated data operating right indicative of operation contents by which the second

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user or user processing apparatus indicated by said integrated data identification information is permitted to operate the integrated data, as recited in the claims of the present invention.

Second Examiner Response:

Examiner is not persuaded. It is impossible to ascertain exactly what Applicant is arguing. Examiner refers Applicant to supra Office Action where the claim limitations are addressed and the corresponding teaching by Win is clearly identified.

Third Applicant Argument:

Applicant states on page 12 "According to present invention, with an assumption that a user or user name using an integrated database and a user or user name using individual databases are entirely different, an integrated database system manages a corresponding relation between access privileges allocated to the different user names. In short, according to the present invention, even if one user name is determined, access to a dispersed data cannot be determined unless the other user name and the corresponding relation therebetween are determined. Accordingly, one who uses an integrated database can access a dispersed data without taking into consideration an access privilege to individual databases. In addition, an integrated database and individual databases can be developed independently of each other. That is, in the development a user using an integrated database and an access privilege thereof can be freely determined without taking into account a user using individual databases, while an individual database can determine a user and an access privilege thereof within a self system, without having to consider a user using the integrated database. As a result, the time necessary for developing the databases can be reduced. Win et al. does not disclose or suggest these features of the present invention as recited in the claims of the present application.

Third Examiner Response:

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the above) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Fourth Applicant Argument:

Applicant states on page 13 "Regarding claims 6-8 and 14-17, Applicants submit that these claims are dependent on one of independent claims 1 and 9 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. For example, the Examiner asserts that Win et al. discloses limiting the operation indicated by the access request at col. 4, lines 38-40. However, this portion of Win et al. merely discloses that the foregoing components cooperate to control access to resources (dispersed data) stored on one or more protected servers. However, Applicants' control means does not cooperate with other components during access control, but refers to an access privilege to integrated data for judging. Accordingly, Applicants submit that Win et al. does not disclose or suggest the limitations in the combination of each of claims 1, 6-9 and 14-17 of the present application."

Fourth Examiner Response:

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Applicants' control means does not cooperate with other components during access control, but refers to an access privilege to integrated data for judging) are not recited in the

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rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Fifth Applicant Argument:

Applicant states on page 14, "Claims 2-5 and 10-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Win et al. in view of Blinn et al. Blinn et al. has been discussed in Applicants' previously filed response. Applicants respectfully traverse these rejections. Applicants submit that claims 2-5 and 10-13 are dependent on one of independent claims 1 and 9 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. Applicants submit that Blinn et al. does not overcome the substantial defects noted previously regarding Win et al. Accordingly, Applicants submit that neither Win et al. nor Blinn et al., taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 2-5 and 10-13 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

Fifth Examiner Response:

Examiner notes that supra comments with respect to Blinn et al are moot since the rejection in view of Blinn has been withdrawn. Above Office Action now rejects all claims over Win and the admitted prior art disclosed by Win in Background of the Invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620.

The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Patent related correspondence can be forwarded via the following FAX number (703) 872-9306

Etienne LeRoux

February 6, 2004

